

REMARKS

Applicant's counsel thanks Examiner Cooney for a careful examination of the present application. Applicant's counsel further thanks Examiner Cooney for the helpful phone conversation held on April 1, 2009.

As it stands, claims 35-67 have been rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-38 of U.S. Patent No. 7,078,443. A terminal disclaimer has been provided with this response, making the rejections moot.

With regard to the Examiner's suggestion that the applicant should address each rejection of the present Office action separately so that it is clear which grounds of rejection are being addressed, the applicant respectfully believes that the previously filed response to the Office action of September 17, 2008 sufficiently and concisely addresses the Examiner's rejections under 35 U.S.C. 103.

The present Office action rejecting claims 35-67 separately cites three references, namely Apichatachutapan et al. ("Api"), Lutter et al. ("Lutter") and Falke et al. ("Falke"). A review of the Office action shows that each reference is being used to reject all of the pending claims (35-67), and the basis of the 103 rejections for each reference is nearly identical. Thus, because all of the claims were rejected as a group for each 103 rejection, and each rejection is almost identical, the response filed dealt with the claims as a whole, and where appropriate, identified the page number and reference of the Office action that was being addressed. Along this line, the filed response, being at page 21, separately addresses each reference, starting with Api. The applicant's counsel believes that the filed response accurately and efficiently addresses the rejections, and any confusion that may occur with regard to the

arguments for each 103 rejection and associated reference is unintended.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 36211US1.

Respectfully submitted,
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